

(O-89-143)

ORDINANCE NUMBER O- 17265 (NEW SERIES)

ADOPTED ON MAR 20 1989

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 8, OF
THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTION 58.07 RELATING TO MINORS.

BE IT ORDAINED, by the Council of The City of San Diego, as
follows:

Section 1. That Chapter V, Article 8, of the San Diego
Municipal Code be and the same is hereby amended by amending
Section 58.07 to read as follows:

SEC. 58.07 DISTRIBUTION OF HARMFUL MATERIAL TO MINORS

No change in subsection (a)

(b) Definitions. As used in this section:

1. "Minor" means any natural person
under the age of 18 years.
2. "Matter" means any book, magazine,
newspaper, or other printed or written material or
any picture, drawing, photograph, motion picture,
or other pictorial representation or any statue or
other figure, or any recording, transcription, or
mechanical, chemical, or electrical reproduction or
any other articles, equipment, machines, or
materials. "Matter" also includes live or recorded
telephone messages when transmitted, disseminated,
or distributed as part of a commercial transaction.

3. "Person" means any individual, partnership, firm, association, corporation or other legal entity.

4. "Distribute" means to transfer possession of, whether with or without consideration.

5. "Exhibit" means to show.

6. "Knowingly" means being aware of the character of the matter.

7. (a) "Harmful matter" means matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest, and is a matter which taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

(1) When it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for clearly defined deviant sexual groups, the appeal of the matter shall be judged with reference to its intended recipient group.


(2) In prosecutions under this chapter, where circumstances of production,

presentation, sale, dissemination, distribution, or publicity indicate that matter is being commercially exploited by the defendant for the sake of its prurient appeal, that evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter lacks significant literary, artistic, political, or scientific value for minors.

(c) It is unlawful to display matter which is harmful to minors, as defined in this section and Chapter 7.6 of the California Penal Code, in a public place, other than a public place from which minors are excluded, without placement of devices known as blinder racks in front of the material, so that the lower two-thirds of the material is not exposed to view.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By 
Nina B. Deane
Deputy City Attorney

NBD:mk:mb
12/29/88
Or.Dept:Pol.
O-89-143
Form=o.code

55 (a)
(a-b)

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Charles G. Abdelnour*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 27 1989

MAR 20 1989

, and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance **0-17265**
Number

MAR 20 1989

Adopted

53
(a-b)

Passed and adopted by the Council of The City of San Diego on
by the following vote: MAR 20 1989

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.
By *Charles G. Abdelnour* Deputy.

(Seal)

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on **FEB 27 1989** **MAR 20 1989**

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.
By *Charles G. Abdelnour* Deputy.

(Seal)

Office of the City Clerk, San Diego, California	
Ordinance Number 0-17265	MAR 20 1989
Adopted	

RECEIVED

89 FEB 16 PM 2:19

CITY CLERKS OFFICE
SAN DIEGO, CA

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FEB 15 1989

FEB 15 1989

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CERTIFICATE OF PUBLICATION

OFFICE OF THE CITY CLERK
12TH FLOOR
CITY ADMINISTRATION BLDG.
SAN DIEGO, CA 92101

RECEIVED
CITY CLERK'S OFFICE
89 APR 11 PM 1:28
SAN DIEGO, CALIF.

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 8 OF THE
SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION
58.07 RELATING TO MINORS.

ORDINANCE NUMBER 0-17265 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 8 OF
THE SAN DIEGO MUNICIPAL CODE BY AMENDING SEC-
TION 58.07 RELATING TO MINORS.

This ordinance amends Chapter V, Article 8 by expanding the
definition of "matter" to include commercial telephone messages
and requiring blinder racks in front of certain items; it further con-
forms the wording to state law.

A complete copy of the Ordinance is available for inspection in the
Office of the City Clerk of the City of San Diego, 2nd Floor, City Ad-
ministration Building, 202 C Street, San Diego, CA 92101.

INTRODUCED ON FEB 27 1989

Passed and Adopted by the Council of The City of San Diego
on MAR 20 1989

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, CA

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, CA

(SEAL)

By MAYDELL L. PONTECORVO, Deputy

Pub. April 3

136811

THOMAS D. KELLEHER

I, _____, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above-entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

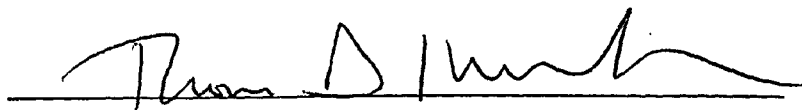
ORDINANCE NUMBER 0-17265 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

APRIL 3

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 3 day of APRIL, 1989.



(Signature)

2 1/8" x 2 x 24.08 = \$47.38